

REMARKS

Claims 14 and 18-26 are currently pending in the application. By this response, claims 14, 18, 19, and 20 are amended, and claims 25 and 26 are added for the Examiner consideration. Claims 15-17 are canceled. The above amendments and new claims do not add new matter to the application and are fully supported by the original disclosure. For example, support for the amendments and new claims is provided in the claims as originally filed, at Figure 1, and at paragraphs [0013] through [0023] of the specification. Specifically regarding claim 20, Applicants submit that paragraph [0029] of the specification describes that the nFET may have a [100] orientation and the pFET may have a [110] orientation. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Telephone Interview

Applicants thank the Examiner for the courtesy extended during an interview between Examiner Chiu, Primary Examiner Rose, and Applicants' representative on May 30, 2007. In the interview, the Examiner indicated that the instant amendment to the claims overcomes all of the issues from the Office Action dated March 13, 2007, and distinguishes the claimed invention from the art of record.

Amendments to the Claims

Applicants have amended claims 14 and 18-20 and cancelled claims 15-17 from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

35 U.S.C. §102 Rejection

Claims 14-24 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,821,826 issued to Chan. This rejection is respectfully traversed.

While Applicants do not agree that the applied art anticipates the claimed invention, by this amendment, claims 14 and 18-20 are amended and claims 15-17 are canceled. As discussed above with respect to the telephone interview of May 30, 2007, the Examiner indicated that the instant amendment distinguishes the claimed invention from the art of record. More specifically, Applicants submit that the art of record fails to disclose *inter alia* an upper semiconductor device comprising a second Si substrate, a second SiO₂ layer formed atop the second Si substrate, and a second active region comprising a semiconductor with a second crystal orientation formed on top of the second SiO₂ layer; and a bonding layer disposed between a top of the lower semiconductor device and a bottom of the upper semiconductor device and bonding the upper semiconductor device to the lower semiconductor device, as recited in claim 14. Therefore, the rejections under §102 are moot.

Accordingly, Applicants respectfully request that the rejection over claims 14-24 be withdrawn.

Other Matters

Applicants respectfully submit that new claims 25 and 26 depend from allowable claim 14, and are allowable based upon the allowability of claim 14. Moreover, claims 22-24 recite additional features that further distinguish the invention from the applied art.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 09-0456.

Respectfully submitted,
Mahmoud A. Mousa



Andrew M. Calderon
Reg. No. 38,093

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191